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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,000

08/26/2003

Michael Craig Presnell

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CARY, NC 27518

EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/648,000	Applicant(s) PRESNELL, MICHAEL CRAIG	
	Examiner Quynh H. Nguyen	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-14, 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilan et al. (WO 02/49329).

As to claims 1, 10, and 19, Ilan et al. teaches a method for providing operator services (call center environment 12; page 6, lines 19-21) comprising:

establishing a connection over a switching fabric (switching 18, 44, 54) of a telephony switch for an operator services call from a caller (page 5, lines 22-23 - a call from a caller to call center 12 for an operator services);

establishing an operator voice session over a packet network (packet switched network 16) with an operator terminal of an operator (page 6, lines 19-20 - agent telephone stations 26) (page 6, line 22 through page 7, line 6);

establishing a monitor voice session over the packet network with a monitor terminal of a monitor (recording environment 14, monitoring system 28) (page 6, line 22 through page 7, line 6);

providing an interface (gateways 24 and 30) between the operator voice session and the connection to facilitate a voice interaction between the operator and the caller (page 7, lines 3-6); and

sending the voice interaction to the monitor terminal over the monitor voice session to allow the monitor to listen to the voice interaction between the operator and the caller (page 8, lines 1-12).

As to claims 2, 11, and 20, Ilan et al. teaches the operator voice session comprises two packet sessions to facilitate bi-directional communications with the operator terminal (*operator needs to make outbound calls and receive inbound calls, hence bi-directional communications*), and the monitor voice session comprises one packet session to facilitate uni-directional communication of the voice interaction to the monitor terminal (page 11, lines 3-6 - *where Ilan discussed the monitor voice session for delivering voice from circuit switch to recording system 28, hence it is one packet session facilitate uni-directional communication*).

As to claims 3, 12, and 21, Ilan et al. teaches receiving a control message to establish the operator voice session, the control message including indicia to establish the monitor voice session (page 10, line 8 through page 11, line 15).

As to claims 4, 13, and 22, Ilan et al. teaches the control message is received from a control system of the telephony switch (page 10, lines 8-11; page 11, lines 3-5).

As to claims 5, 14, and 23, Ilan et al. teaches converting packet received from the operator terminal to time division multiplexed information to send over the connection; and converting time division multiplexed information from the switching

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fabric to packets to send over the operator voice session (page 11, lines 11-13; page 12, lines 18-23 - *where Ilan discussed converting the audio to voice packets and converting the voice packets back to circuit switched audio. Hence, it is inherent teaching time division multiplex since time division multiplexed is an integral component of the overall architecture of voice packet*).

As to claims 9 and 18, Ilan et al. teaches the switching fabric facilitates time division multiplexed connections (page 11, lines 3-15 - *where Ilan discussed voice are delivered between switching fabric, VoIP gateways, and packet switch switched network, hence facilitating time division multiplexed connections*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7, 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilan et al. (WO 02/49329) in view of Dewan (US Patent 7,043,008).

As to claims 6 and 15, Ilan et al. does not explicitly teach the connection over the switching fabric connects with a conference port.

Dewan teaches the connection over the switching fabric connects with a conference port (col. 4, lines 20-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dewan into the teachings of Ilan for the purpose of having a more efficient system and in order to ensure that the monitoring and recording device receives the speech data from both parties, as discussed by Dewan (col. 4, lines 27-31).

As to claims 7 and 16, Dewan teaches creating a conference call with the monitoring and recording device (col. 4, lines 24-29), therefore It would have been obvious to one of ordinary skill in the art that in the telephony conferencing to establish an additional connection, which is directly or indirectly coupled to a telephony device of the caller.

5. Claims 8, 17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilan et al. (WO 02/49329)

Claims 8, 17, and 24 are rejected for the same reasons as discussed above with respect to the first, second, and fourth limitations of claim 1. Furthermore, Ilan et al. teaches the call center environment, therefore at least there are always more than one caller or second caller calling in for operator services and also there are more than one operator to handle these calls. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the following steps of: establishing a second connection over the switching fabric of the telephony switch for a second operator services call from a second caller; establishing a second operator voice session over the packet network with the operator terminal of the operator; and providing an interface

between the second operator voice session and the second connection to facilitate a second voice interaction between the operator and the second caller would be performed similar to claim 1 when a second caller's call coming into a second operator.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foti (US Patent 6,839,323) teaches method of monitoring calls in an Internet protocol (IP)-based network.

Elazar (US Patent 6,542,602) teaches telephone call monitoring system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

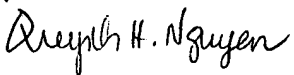
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn



Quynh H. Nguyen
March 29, 2007